

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: Chapter 11

SECOND PHOENIX HOLDING LLC, et al.,

Debtors, Case No. 18-10009 (MG)
Case No. 18-10010 (MG)
Case No. 18-10011 (MG)
(Jointly Administered)

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**APPLICATION FOR ORDER ESTABLISHING DEADLINE FOR FILING PROOFS OF
CLAIM AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

Second Phoenix Holding LLC (“SP”), Harlem Phoenix Realty Corp. (“HP”) and Kshel Realty Corp. (“KR”) (collectively “Debtors”), as debtors and debtors in possession in the above-captioned case, by their attorneys, Marc Stuart Goldberg, LLC, requests by this application (the “Application”) the entry of an order establishing deadline for filing proofs of claim and approving the form and manner of notice thereof. In support of this Application, Debtors respectfully represent as follows:

INTRODUCTION

1. On January 3, 2018, Debtors filed voluntary petitions for relief under chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of New York (the “Court”). Pursuant to §§ 1107 and 1108 of the Bankruptcy Code, Debtors continues to operate their businesses and manage their properties and assets as a debtors in possession. No trustee, examiner or committee has been appointed in Debtors’ chapter 11 cases (the “Chapter 11 Cases”).

2. By Order dated January 12, 2018, the Chapter 11 Cases have been procedurally consolidated and are being jointly administered.

3. This Court has jurisdiction over this Application pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this proceeding and this Application is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicate for the relief sought herein is Rule 3003(c)(3) of the Federal Rules of Bankruptcy Procedure (“FRBP”).

**DEBTORS AND EVENTS PRECIPITATING THE FILING OF THE CHAPTER 11
CASES**

4. SP is engaged in the business of owning real estate. One parcel, at 216 East 125th Street, New York, NY 10035 (“Parcel 1), is improved; one parcel, at 14 Second Avenue, New York, NY 10003 (Parcel 2), is unimproved land (collectively the “Real Property”).

5. SP voluntarily filed its chapter 11 petition as SKW EAST VH LLC (“SKW”), a lender that asserts a claim of in excess of the principal indebtedness owing to SKW, to wit, in excess of twelve million (\$12,000,000.00) dollars secured by Parcel 1 and Parcel 2, and the equity of SP’s equity holders, HP and KR, entities that simultaneously filed Chapter 11 cases in this Court, sought to take control of the Real Property by foreclosing against HP and KR, under Article 9 of the Uniform Commercial Code.

RELIEF REQUESTED

6. By this Application, Debtors seeks the entry of order, pursuant to Rule 3003(c)(3) FRBP, fixing a deadline (the “Bar Date”) and establishing procedures for filing proofs of claim and approving the form and manner of service thereof.

7. Debtors filed their schedules (“Schedules”) on January 3, 2018 and their Statements of Financial Affairs on January 29, 2018.

8. It is necessary that Debtors secure this Court’s authority to set a date by which Debtors’ creditors are to file their claims in the Chapter 11 Cases.

9. The procedural guidelines for filing requests for orders to set the last date for

filing proofs of claim (the “Guidelines”) provide that applications for same should ordinarily be filed no later than thirty (30) days after the later of the initial conference in a case or the filing of schedules. An initial case conference in these Chapter 11 Cases was held on January 30, 2018.

10. The proposed order affixed (the “Proposed Bar Order”) is in form substantially as that designated by the Guidelines, as is the proposed notice (the “Proposed Notice”).

11. Debtors respectfully submit that April 6, 2018 be set as the last date to file claims (other than for governmental agencies which shall have 180 days from the Petition Date within which to file claims).

11. No committee has been appointed in these Chapter 11 Cases.

12. No prior application for the relief sought herein has been made.

WHEREFORE, Debtors respectfully prays for entry of an order approving the Proposed Bar Order and the Proposed Notice and granting such other and further relief as this Court may deem just and proper.

Dated: Scarsdale, New York
February 19, 2018

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